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MOSS LANDING COMMERCIAL PARK LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
CORPORATION, and DOES 1 through
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**PLAINTIFF'S SECOND CASE
MANAGEMENT STATEMENT**

Date: April 25, 2008

Time: 10:30 p.m.

Plaintiff Moss Landing Commercial Park, LLC submits the following Case Management
Statement:

1. Facts:

This case involves the contamination of real property located adjacent to Highway 1,
Dolan Road, Monterey Bay, and Moro Cojo Slough (the "Property"). Plaintiff Moss Landing
Commercial Park, LLC ("MLCP") is the current owner of the Property. MLCP alleges in its
complaint that Kaiser Aluminum Corporation and Kaiser Aluminum and Chemical Corporation
(collectively, "Kaiser") contaminated the Property and remain responsible for its remediation.
Accordingly, Plaintiffs request from this Court, among other things, an injunction requiring them

1 to do so.

2 2. Status of Case:

3 Subsequent to service of MLCP's complaint, defendants filed their Motion of
4 Reorganized Debtors to (A) Enforce Injunctions Issued in Connection with the Second Amended
5 Joint Plan of Reorganization and (B) Compel Moss Landing Commercial Park LLC to Dismiss
6 with Prejudice Its Lawsuit Against Kaiser Aluminum Corporation and Kaiser Aluminum &
7 Chemical Corporation in the United States Bankruptcy Court for the District of Delaware. This
8 motion was heard in Wilmington, Delaware on February 25, 2008. The bankruptcy court granted
9 the motion, found that this action should be dismissed without prejudice, and has now entered an
10 order reflecting its decision. MLCP filed a notice of appeal of that order.

11 MLCP has also filed with the bankruptcy court an application for a stay of its order which,
12 if granted, would allow this action to proceed while the bankruptcy decision is on appeal; the
13 hearing on this application is scheduled for April 21, 2008. The bankruptcy court's order is
14 stayed pending that hearing. Should the application be denied, MLCP intends to seek review in
15 the U.S. District Court in Delaware.

16 3. Other:

17 MLCP will notify this Court within 14 days of any change in the status of the Delaware
18 bankruptcy proceedings.

20 Dated: April 11, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

22 By: _____/s/

23 THOMAS H. CLARKE, JR.
24 TIMOTHY A. DOLAN
25 Attorneys for Plaintiff MOSS
26 LANDING COMMERCIAL PARK
27 LLC
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